

Case Studies

Arkansas Code of Ethics Allegations,
Representative Cases and Resolutions

2008-2011

The Code of Ethics for Arkansas Educators

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Standard #2: An educator maintains competence regarding skills, knowledge, and dispositions relating to his/her organizational position, subject matter, and/or pedagogical practice.

Standard #3: An educator honestly fulfills reporting obligations associated with professional practices.

The Code of Ethics for Arkansas Educators

Standard #4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

Standard 5: An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.

Standard #6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed by law.

The Code of Ethics for Arkansas Educators

Standard #7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.

Allegations and Resolutions

- **Allegation:**

An educator allegedly confronted two students at school regarding her belief that the two were spreading malicious gossip regarding her husband, also an educator, concerning his relationship with a female student, instead of referring the matter to school administrators, so that the matter could be handled by a disinterested person.

- **Standard Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

- **Resolution:**

Educator was issued a written warning.

Allegations and Resolutions

- **Allegation:**

An educator allegedly shoved a student with whom she was engaged in a verbal confrontation in the hallway into lockers two or three times during the confrontation. The incident was captured on security video.

- **Standard Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

- **Resolution:**

The educator was placed on probation for a period of 2 years and fined \$75.

Allegations and Resolutions

- **Allegation:**

An educator allegedly had sexual intercourse twice with a 9th grade female student, once on school premises and once at the student's home. Subsequently, they continued to send and receive sexual text messages and sexually explicit photographs through her junior year. Investigation also revealed that the educator communicated inappropriately with additional female students, and met one girl off campus for lunch in his vehicle. That student admitted that the educator kissed her, but claimed nothing inappropriate occurred.

- **Standard Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Allegations and Resolutions

- **Resolution:**

The educator's license was permanently revoked.

Allegations and Resolutions

- **Allegation:**

An educator had allegedly failed to provide proper supervision and proper follow up regarding a hazing incident which occurred at a summer sports camp attended by members of the school teams, for which he was the educator/sponsor of the team trip. The educator was contacted by the high school principal after the principal received reports from parents whose children were at the camp. The educator advised the principal he would handle the matter. The educator did not have additional contact with district administrators until he and the teams arrived back at the school district after the camp. Administrators and the school board were not satisfied with how the educator handled the follow up.

- **Standard Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Allegations and Resolutions

- **Initial Resolution:**

After considering the results of the investigation, the Sub-Committee recommended disciplinary action against the educator to the State Board of Education. The educator requested a hearing before the State Board.

- **Final Resolution:**

The State Board, as a result of the hearing, determined that the manner in which the educator conducted follow up of the incident was a matter of judgment and not a violation of Standard 1 by the educator.

Allegations and Resolutions

- **Allegation:**

A female educator was alleged to have engaged in a discussion with a male student regarding her tattoos and body piercings and where they were located, some of which were covered by clothing. The complaint also included the allegation that the educator asked the student to touch the tattoo located on her breast and that he did so.

- **Standard Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

- **Resolution:**

Investigation revealed that the student observed the top of a tattoo on the educator's breast and that she pulled her shirt down some to let the student see more of the tattoo. The student asked the educator if he could touch the tattoo and she refused. He then touched the tattoo anyway. The educator was issued a written reprimand and fined \$50.

Allegations and Resolutions

- **Allegations:**

An educator was alleged to have accessed the internet to view photographs of partially clothed females on classroom computers while students were present, with several of the students reportedly seeing some of the photographs. It was also alleged that he accessed similar materials on his office computer. The computers the educator used were owned by the district and were a part of the district's network.

- **Standards Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Standard #4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

Allegations and Resolutions

- Resolution:

The educator was placed on probation for a period of 5 years, fined \$75, with computer use to be monitored and reports to be submitted to ADE every six months by the district.

Allegations and Resolutions

- **Allegations:**

An female educator was alleged to have had an inappropriate relationship with a female student, sending and receiving large volumes of text messages, allowing the student to spend the night at her house, sharing opinions regarding other teachers with the student, and lying to the administration regarding following instructions to cease texting the student.

- **Standards Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Standard #3: An educator honestly fulfills reporting obligations associated with professional practices.

Standard #6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed by law.

Allegations and Resolutions

- Resolution:

Investigation revealed that the volume of texting related mostly to a statewide office held by the student. The educator was the local sponsor. The student spent one night at the educator's residence prior to the educator and the student leaving for a school activity trip at a very early morning hour. There was not credible evidence that the educator and student were involved in an inappropriate relationship. Subsequent to the investigation, the Ethics Sub-Committee determined that there was not Reasonable Belief that the educator had committed the alleged ethical violations.

Case Closed.

Allegations and Resolutions

- **Allegations:**

Allegations were filed against a superintendent and a school counselor. The superintendent, upon receiving information that a male teacher had improperly touched female students, and after contacting the school district's attorney, did not suspend the teacher, allowing him to continue instructing students while one of the district counselors conducted the district's own investigation. In the intervening days, sexual touching of additional female students by the teacher occurred. The teacher was suspended by the superintendent only after parents reported the incident to police and threatened to contact the media if the teacher was not immediately suspended.

The superintendent and the counselor conducting the investigation, against whom these allegations were filed, were both mandated reporters and did not make the required notification to the Child Abuse Hotline.

Allegations and Resolutions

- **Standards Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Standard # 3: An educator honestly fulfills reporting obligations associated with professional practices.

- **Resolution:**

Standard #1 was violated by the educators' failure to protect students and Standard #3 was violated by their failure to comply with the state statute requiring immediate reporting of suspected child abuse by a mandated reporter. Educators' licenses were placed on probation for a period of 2 years and both were assessed a \$75 fine.

Allegations and Resolutions

- **Allegations:**

While the educator was one of two persons whose signature was required on a school activity account, she failed to maintain accurate records for the account, failed to assure that the account was used for the purposes intended, failed to assure that both of the required signators sign each check and approve each purchase, and failed to provide all required documentation to school auditors when requested on a timely basis.

The educator was also alleged to have purchased sodas and candies for herself and teachers, which were made available in the teachers' lounge and in the school office, from an account that was to be used for the good and welfare of the elementary school students, and to have allowed the fund to be used for purchasing clothing for adults, as well as for various furniture items and computer games not suitable for, nor used, at school.

Allegations and Resolutions

- **Allegations (continued):**

It was also alleged that the educator used her school computer to create false proof of “meat trays and holiday trays” under a non-existent catering business so that she and her husband could use that as “tax write-offs” during a personal IRS audit.

The educator allegedly also used her school computer and her knowledge of the bid amount submitted by a friend and associate to create false bids on bogus businesses in amounts greater than those of the friend and associate, so that the friend and associate was awarded multiple contracts at the school.

Lastly, the educator, who had submitted a form that she had no interest in any business, allegedly used her school computer during school hours to prepare billing and demand letters for a company owned and operated by her husband and her.

Allegations and Resolutions

- **Standards Alleged Violated:**

Standard 3: An educator honestly fulfills reporting obligations associated with professional practices.

Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

Standard 5: An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.

- **Resolution:**

The educator's license was suspended for five years and she was assessed a \$100 fine.

Allegations and Resolutions

- **Allegation:**

An educator allegedly used his classroom computer to access and view hard core pornography after school hours, when no students were in the classroom. The district's technology coordinator discovered the alleged use while testing new software and reported the violation.

- **Standard Alleged Violated:**

Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

- **Resolution:**

Investigation confirmed the allegations and that no students were present during the times the pornographic websites were accessed. The educator was placed on probation for 2 years, assessed a \$75 fine, and was required to continue with counseling sessions.

Allegations and Resolutions

- **Allegation:**

An educator's ex-wife alleged that the educator staged an accident at work in order to be off work for an extended period of time and made a false claim of injury so that he could collect worker's compensation and receive sick leave benefits from the district.

- **Standard Alleged Violated:**

Standard 4: An educator entrusted with public funds and property honors that trust with honest, responsible stewardship.

- **Resolution:**

Medical records provided by the educator's physicians corroborated his injury. An interview of district's assistant superintendent revealed that the district had no basis to believe the allegations aside from the claim made by the ex-wife. The Sub-Committee found that there was not reasonable belief to support the allegations. Case closed.

Allegations and Resolutions

- **Allegation:**

An allegation was made by a foreign language teacher that three other foreign language teachers were using their positions at school to promote their after hours language courses, to promote summer foreign total immersion training, and their other business services.

- **Standard Alleged Violated:**

Standard 5: An educator maintains integrity regarding the acceptance of any gratuity, gift, compensation or favor that might impair or appear to influence professional decisions or actions and shall refrain from using the educator's position for personal gain.

Allegations and Resolutions

- **Resolution:**

Investigation revealed that no personal business was conducted on school premises or using school e-mail accounts, that what flyers were posted or passed out to students or other educators were done so with district permission, and curriculum purchased by a district was done so within the district's guidelines for purchase from educators. As a result, the Sub-Committee did not find reasonable belief that a violation had occurred.

Case closed.

Allegations and Resolutions

- **Allegation:**

The educator, a principal, was alleged to have made an inappropriate disclosure of student names and test results to members of the school board during a discussion of how the school was tracking “watch children” to improve their benchmark scores. The board meeting was a session open to the public, but no members of the public were in attendance.

- **Standard Alleged Violated:**

Standard #6: An educator keeps in confidence secure standardized test material as well as information about students and colleagues obtained in the course of professional service unless disclosure serves a professional purpose or is allowed by law.

Allegations and Resolutions

- **Resolution:**

Investigation revealed that no non-school personnel or non-board members were present. The principal provided copies of testing information with student names on the papers to the board members, which she intended to retrieve at the end of the presentation. The superintendent retrieved them instead. No names were mentioned during the presentation. One board member asked the principal about a particular student at the end of the presentation and she responded using the student's first name, in what she described as more of a "one-on-one" conversation with the member.

The Sub-Committee issued a Letter of Concern/Caution and closed the investigation.

Allegations and Resolutions

- **Allegation:**

An educator was alleged to have made inappropriate comments in the presence of other educators that students were “retards” and reportedly made an inappropriate hand gesture as well. Further, an additional allegation was made that the educator was in possession of alcohol on school grounds.

- **Standards Alleged Violated:**

Standard #1: An educator maintains a professional relationship with each student, both in and outside the classroom.

Standard #7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.

Allegations and Resolutions

- **Resolution:**

Investigation revealed that the educator made a remark that could have been overheard by a student or students in the classroom and could be considered to be demeaning of a student. Additionally, the educator brought bottles of wine as Christmas gifts for each of five teachers who had provided assistance to her son in his classes, and her son delivered two of those gifts.

The Sub-Committee issued a Letter of Concern/Caution regarding the violation of Standard 1.

The educator was issued a written reprimand and assessed a \$50 fine for the violation of Standard 7.

Allegations and Resolutions

- **Allegation:**

An educator arrived at school at the beginning of the school day, apparently under the influence of alcohol. He agreed to accompany district personnel to the local police department where he consented to taking a breathalyzer test. The test revealed that the educator's blood alcohol level exceeded the level permitted to legally operate a vehicle.

- **Standard Alleged Violated:**

Standard #7: An educator refrains from using, possessing and/or being under the influence of alcohol, tobacco, or unauthorized drugs while on school premises or at school-sponsored activities involving students.

Allegations and Resolutions

- **Resolution:**

The educator was placed on probation for a period of 2 years, assessed a fine of \$75, instructed to attend rehabilitation sessions with reports to be submitted to ADE.

Hypothetical Scenario

- **Allegation:**

A fifth grade teacher has an ADHD student in her class of 21 students. Several times when he has been especially hyper-active, she has asked him in front of his classmates whether or not he took his medication that day. During a recent class, when she questioned him, one of the girls raised her hand and asked the educator why the boy had to take medicine.

The educator responded to the girl, in the presence of the boy's classmates, that the boy had to take medication so that he could concentrate and to control his behavior.


Hypothetical Scenario

- **Question:**

Has this educator violated the Code of Ethics, and if so, what Standard or Standards have been violated?

- **Resolution:**

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Please realize that all of the facts and evidence gathered during the investigation as well as the dialogue which occurred among the members of the Ethics Sub-Committee with the Investigators are not presented on these slides.

All cases presented have been before the State Board of Education and are closed except for the case presented as a hypothetical case.

The End